

REMARKS

Claims 1-49 are pending in this application. Claims 1-45 stand rejected and claims 46-49 are objected to. Applicants wish to thank the Examiner for the indication of allowable subject matter in claims 46-49. By this Amendment, claims 1-45 and 48 have been amended. The amendments made to the claims do not alter the scope of these claims, nor have these amendments been made to define over the prior art. Rather, the amendments to the claims have been made for cosmetic reasons to improve the form thereof. In light of the amendments and remarks set forth below, Applicants respectfully submit that each of the pending claims is in immediate condition for allowance.

Claim 45 stands rejected due to a typographical error. Applicants have corrected the error in claim 45 and respectfully requests reconsideration and withdrawal of the rejection.

Claims 43 and 48 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants have amended claims 43 and 48 in light of the Examiner's objection. Additionally, the term "CDMA cellular" has been replaced with "CDMA cellular network". Therefore, reconsideration and withdrawal of the rejection is respectfully requested.

Claims 40 and 45 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,504,832 ("Koo"). Applicants respectfully request reconsideration and withdrawal of this rejection.

Among the limitations of independent claims 40 and 45 not present in the cited reference is assigning priority based on channel quality to each pair of said first and second code.

Koo fails to teach that priority is determined based on channel quality. As such, Applicants respectfully submit that claims 40 and 45 are allowable over the cited references.

Claims 7, 12-14, 32, 43, and 48 stand rejected under Koo in view of U.S. Patent No. 5,491,837 ("Haartsen"). Applicants respectfully traverse this rejection.

Claims 7 and 32 explicitly recite that a priority of said combined code for each transmission signal is based on channel transmission quality. Neither Koo nor Haartsen disclose this explicitly recited limitation. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection.

Applicants have responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Application No.: 09/699,648

Docket No.: M1912.0018

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

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Respectfully submitted,

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